

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MIGUEL A. DAVILA, :  
 :  
Plaintiff : CIVIL ACTION NO. 3:11-1092  
 :  
v. : (MANNION, D.J.)  
 : (SCHWAB, M.J.)  
COMMONWEALTH OF :  
PENNSYLVANIA, *et. al.*, :  
 :  
Defendants :  
 :

ORDER

AND NOW, THIS 6th DAY OF FEBRUARY, 2013, for the reasons set forth in the Memorandum of this date, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Martin C. Carlson, (Doc. No. [65](#)), is **ADOPTED**;
- (2) The plaintiff's motion for reconsideration, (Doc. No. [54](#)), is **DENIED**;
- (3) The matter is **REMANDED** to Judge Susan E. Schwab for further pre-trial proceedings.

*Malachy E. Mannion*  
MALACHY E. MANNION  
United States District Judge